

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

EDWARD THOMAS KENNEDY,)	
)	
Plaintiff-Appellant,)	
)	
v.)	18-2368
)	
GETZ,)	
)	
Defendant-Appellee.)	

DEFENDANT-APPELLEE’S RESPONSE TO COURT ORDER

Pursuant to the Court’s September, 28, 2018, order (ECF No. 43) directing the parties to respond as to whether this appeal should be dismissed or transferred to the United States Court of Appeals for the Third Circuit, the United States¹ respectfully submits this response.

The Court should dismiss this appeal as frivolous under 28 U.S.C. § 1915(e)(2)(B)(i) as it has already done in Fed. Cir. Nos. 18-2229, 18-2235, and 18-2244 or for lack of jurisdiction as noted in the Court’s order. This appeal is the latest in a series of appeals filed by Mr. Kennedy stemming from decisions of the

¹ Although the United States is not specifically named, Mr. Kennedy’s appeal involves claims against Federal District Court Judge Malachy E. Mannion and Federal Magistrate Judge William I. Arbuckle, both of the United States District Court for the Middle District of Pennsylvania. The United States respectfully responds to aid the Court in disposing of this case. The Court also issued an order for parties to respond in Fed. Cir. No. 18-2378 but that case does not involve any Federal entities or officials. Our response, however, can address both cases for the reasons stated here.

United States District Court for the Eastern District of Pennsylvania (18-2203, 18-2204, 18-2378) and the United States Court of Federal Claims (18-2229, 18-2235, 18-2244, 18-2245, 18-2246, and 18-2247). The district court properly dismissed Mr. Kennedy's complaint as malicious and for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(i)-(ii). *See* Order and Memorandum, *Kennedy v. Getz, et al*, No. 5:18-cv-3532 (E.D. Pa. Aug. 27, 2018), ECF Nos. 5-6. Thus, like the many other cases filed by Mr. Kennedy, this Court should dismiss this appeal as frivolous or for lack of jurisdiction.

Respectfully submitted,

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October 19, 2018

CERTIFICATE OF SERVICE

I hereby certify under penalty of perjury that on this 19th day of October 2018, “DEFENDANT APPELLEE’S RESPONSE TO COURT ORDER” was filed electronically and was caused to be placed in the United States mail (first-class, postage prepaid) addressed as follows:

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